

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

IRIS R.,

Plaintiff,

-v-

1:18-CV-638

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

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DAVID N. HURD
United States District Judge

ORDER ON PLAINTIFF'S MOTION FOR ATTORNEY'S FEES

On June 1, 2018, plaintiff Iris R.¹ ("plaintiff") filed this action seeking review of a final decision by defendant Commissioner of Social Security ("Commissioner" or "defendant") denying her application for Disability Insurance Benefits ("DIB").

¹ In accordance with a May 1, 2018 memorandum issued by the Judicial Conference's Committee on Court Administration and Case Management and adopted as local practice in this District, only claimant's first name and last initial will be mentioned in this opinion.

On July 12, 2018, U.S. Magistrate Judge Christian F. Hummel "so ordered" a stipulation by the parties in which plaintiff and the Commissioner agreed to conduct further administrative proceedings. Thereafter, defendant issued a partially favorable decision finding plaintiff disabled since October 30, 2016. At that time, the Social Security Administration (the "Agency") withheld \$8,862.00 from plaintiff's past due benefits to satisfy a possible 42 U.S.C. § 406(b) attorney-fee request.

On August 10, 2018, this Court "so ordered" a stipulation that granted plaintiff's application for attorney's fees and other expenses as a prevailing party under the Equal Access to Justice Act ("EAJA"), which shifts litigation fees to the government under certain qualifying circumstances.

On May 6, 2020, plaintiff moved for \$1,632.00 in additional attorney's fees under 42 U.S.C. § 406(b). After this Court directed the Commissioner to respond to this new fee request, defendant filed a short brief analyzing the issues in play but generally expressing support for plaintiff's fee request.

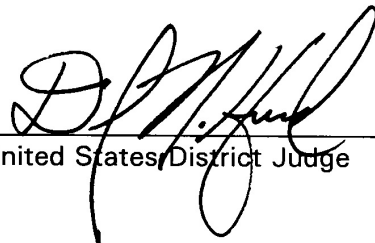
The Court thanks the Commissioner for providing this input. Upon review of plaintiff's memorandum of law, affirmation of support, and other materials, and in light of the Commissioner's response to same, it is

ORDERED that

1. Plaintiff's motion for attorney's fees is GRANTED; and
2. Plaintiff is awarded a fee in the amount of \$1,632.00.

IT IS SO ORDERED.

Dated: June 17, 2020
Utica, New York.


United States District Judge